

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ROBERT W. HUBER, JR.
Petitioner,

v.

WARDEN GARY BOUGHTON,
Respondent.

DOCKETING STATEMENT
Case No. 19-CV-42 JPS

I. JURISDICTIONAL STATEMENT

1. Case No. 19-CV-42 is a civil action authorized by 28 U.S.C. §2254 for Habeas Corpus by a State inmate. The District Court has jurisdiction under 28 U.S.C. §1331 and §1343(a)(3). Venue properly lies in the Eastern District pursuant to 28 U.S.C. §1391(b)(2), because the state conviction giving rise to the cause of action occurred in Milwaukee, Wisconsin, which is in the Eastern District of Wisconsin.
2. Under 28 U.S.C. §1291, appellate courts have jurisdiction over final decisions of district courts. In general, a decision is final for the purpose of §1291 if it ends the litigation on the merits and leaves nothing for the district court to do but execute the judgment. See, Firestone Tire & Rubber Co. v. Risjord, 449 U.S. 368, 373, 66 L.Ed. 2d 571, 101 S.Ct. 669 (1981).
3. Notice is given that the Petitioner, Robert W. Huber, Jr., appeals to the United States Court of Appeals for the Seventh Circuit from the final judgment entered in this action on February 25, 2025 granting the Respondent's Motion to Dismiss and dismissing Petitioner's Habeas Petition with prejudice.
4. The District Court's order dismissing the petition effectively terminated the litigation leaving the Petitioner no other choice but to file an appeal. When the case is over in the district court, the loser may appeal. United States v. Menendez, 48 F.3d 1401, 1408 (5th Cir. 1995).
5. In accordance with Federal Rules of Appellate Procedure 4(a)(4)(A)(vi), the time to file a Notice of Appeal runs from the entry of the order disposing of the last motion for relief under Rule 60, if the motion is filed no later than 28 days after the judgment is entered. Petitioner filed a motion requesting the court reconsider its denial of a Certificate of Appealability on March 3, 2025. As it is uncertain whether this qualifies as a rule 60 motion; Petitioner has now filed his Notice of Appeal timely.

II. PARTIES

6. Robert W. Huber, Jr., is the Petitioner in this matter who is asserting that the state conviction in state case 13-CF-5047 was entered as a result of multiple violations of his constitutional rights; and therefore, he is being held in violation of his constitutional rights by the Respondent.
7. At the time of the filing of the petition in this matter, Gary Boughton was the warden at Wisconsin Secure Program Facility, where it is asserted that Huber is currently being held in violation of his constitutional rights; and therefore, is named as the respondent in this matter.

III. ISSUES TO BE APPEALED

8. Whether the district court erred in refusing to issue a certificate of Appealability in this matter.
9. Whether the district court erred in effectively ruling that the federal courts have no power to review, much less grant relief regarding challenges to state convictions.
10. Whether state appointed counsel on postconviction/appeal can constructively deprive its client of their right to counsel in order to prevent said client from obtaining relief.
11. Whether the district court erred in regarding the issue of constructive denial of counsel to be "one-and-the-same" as ineffective assistance of counsel.
12. Whether both State and Federal district courts can flat-out lie and claim petitioner failed to provide "facts" and "law" supporting their claims in order to justify denying review and relief.
13. Can courts and state appointed counsel effectively collude with the State to obtain convictions by repeatedly violating a defendant's constitutional rights; as long as all parties agree before trial that the "evidence is overwhelming" and therefore, the defendant is clearly guilty.
14. Whether facts, sworn to in a declaration; and supported by citation to the record are nothing more than "opinion" and "conclusory allegation".

Filed this 17th day of March 2025.



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pro se